

FILED

JUL 31 2014

N.J. BOARD OF NURSING

JOHN J. HOFFMAN  
ACTING ATTORNEY GENERAL OF NEW JERSEY  
Division of Law  
124 Halsey Street, 5th Floor  
P.O. Box 45029  
Newark, New Jersey 07101  
Attorney for the Board of Nursing

By: Barbara J.K. Lopez  
Deputy Attorney General  
(973) 648-7454

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
STATE BOARD OF NURSING

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	Administrative Action
	:	
SUSAN M. PRYBYLKO, RN	:	ORDER OF SUSPENSION
License #26NO12085000	:	OF LICENSE
	:	
TO PRACTICE NURSING IN	:	
THE STATE OF NEW JERSEY	:	
	:	

This matter was opened to the New Jersey State Board of Nursing ("Board") upon receipt of information indicating the following:

1. Susan M. Prybylko ("Respondent") is a Registered Professional Nurse (RN) in the State of New Jersey and has been a licensee at all relevant times. (Exhibit A).
2. Respondent entered into a private letter agreement with the Board on or about September 10, 2013. The agreement

required, in part, that Respondent enroll in the Board's designated intervention program, the Recovery and Monitoring Program ("RAMP"), to undergo evaluation, monitoring, and treatment, including random urine screens. The agreement, which was to remain private and confidential unless and until the Board received reliable information that Respondent had violated any term, was to have the force and effect of a Board Order within the intendment of N.J.A.C. 13:45C-1.4. (Exhibit B).

3. Respondent underwent random urine screens on December 30, 2013 and March 3, 2014 which yielded positive results for alcohol, a potentially addictive substance. (Exhibit C).

4. In March 2014, RAMP recommended that Respondent be admitted for inpatient treatment, but Respondent refused. (Exhibit C).

5. On or about March 17, 2014, Respondent advised RAMP that she was dropping out of the program. Respondent ceased participation with RAMP; Respondent did not successfully complete the program nor was she released from the program. (Exhibit C).

6. On or about March 17, 2014, RAMP sent a letter to Respondent in an attempt to redirect Respondent towards compliance, but Respondent did not respond. (Exhibit C).

7. RAMP cannot assure the Board or the public that Respondent is safe to practice. (Exhibit C).

8. On or about June 25, 2014, a communication was sent to Respondent at her address of record by overnight and regular mail, advising Respondent that the Board had received information indicating that she was not in compliance with the private letter agreement and with her agreement with RAMP. Respondent was further advised to provide the Board with proof of any inaccuracy in that information within two weeks. The regular mailing was not returned. The overnight mailing was returned with a notation "apartment number needed, not delivered." (Exhibit D). Respondent failed to reply.

9. On or about July 14, 2014, the above mentioned letter was re-sent, via regular mail and overnight mail, to Respondent's address of record with the apartment number included. The regular mailing was not returned. The overnight mailing was returned with a notation "not in on 3<sup>rd</sup> attempt." (Exhibit E). Respondent failed to reply.

10. The private letter agreement signed by Respondent provided for automatic suspension of Respondent's nursing license upon receipt of reliable information indicating that Respondent had violated any term of the private letter

agreement. The agreement states that Respondent may, upon notice to the Board, request a hearing to contest the automatic suspension; however, at any such hearing, the sole issue shall be whether any of the information received regarding Respondent's violation of the agreement was materially false. The Board also reserved the right to bring further disciplinary action. (Exhibit B).

11. Respondent violated the private letter agreement by: failing to refrain from the use of potentially addictive substances as evidenced by her positive urine screens; failing to follow the recommendations of RAMP for inpatient treatment; and failing to remain in RAMP until successful completion of the program or release from the program. Each violation of the private letter agreement constitutes a violation of N.J.A.C. 13:45C-1.4, subjecting Respondent to sanctions pursuant to N.J.S.A. 45:1-21(e), and automatic suspension of her license as provided in the private letter agreement.

ACCORDINGLY, IT IS on this 3/ day of Jul, 2014,  
HEREBY ORDERED that:

1. Respondent's license to practice nursing in the State of New Jersey is hereby suspended for her violation of the terms of the private letter agreement as set forth above, which is a

violation of a Board Order within the intendment of N.J.A.C.  
13:45C-1.4 and N.J.S.A. 45:1-21(e).

2. Respondent may, under the terms of the private letter agreement, request a hearing, upon notice, on the sole issue of whether information received that Respondent has failed to comply with the terms of the private letter agreement was materially false.

3. In the event that Respondent seeks reinstatement of her New Jersey nursing license at any future time, the Board shall not entertain any application for reinstatement without a demonstration by Respondent that she is fit and competent to practice, in full compliance with the terms and conditions of the private letter agreement and with any agreement with RAMP, and that RAMP supports her reinstatement.

NEW JERSEY STATE BOARD OF NURSING

By: Patricia Murphy PLD APN  
Patricia Murphy, PhD, APN  
Board President